

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AUDI PRIVATE BANK, S.A.L.,

Plaintiff,

- against -

WELLS FARGO BANK, N.A.,

Defendant.
-----X

No. 15 Civ. _____

NOTICE OF REMOVAL

Defendant Wells Fargo Bank, N.A. (“Defendant”), by its undersigned attorneys, hereby removes the above-captioned action from the Supreme Court of the State of New York, County of New York, to this Court, pursuant to 28 U.S.C. §§ 1441 and 1446. In support of removal, Defendant states as follows:

1. On November 6, 2015, a civil action was commenced by Audi Private Bank, S.A.L. (“Plaintiff”) in the Supreme Court of the State of New York, County of New York, styled *Audi Private Bank, S.A.L. v. Wells Fargo Bank, N.A.*, Index No. 161483/2015 (the “State Action”), via motion for summary judgment in lieu of complaint. Defendant was served with a Summons and Plaintiff’s Notice of Motion for Summary Judgment in Lieu of Complaint (and supporting papers) on November 10, 2015.

2. A copy of the Summons is attached hereto as Exhibit A. A copy of Plaintiff’s Notice of Motion for Summary Judgment in Lieu of Complaint is attached hereto as Exhibit B. A copy of Plaintiff’s Affidavits and Exhibits in Support of its Notice of Motion for Summary Judgment in Lieu of Complaint is attached hereto as Exhibit C. A copy of Plaintiff’s Memorandum of Law in Support of its Notice of Motion for Summary Judgment in Lieu of

Complaint is attached hereto as Exhibit D. A copy of Plaintiff's Request for Judicial Intervention is attached hereto as Exhibit E.

3. This Notice of Removal is filed within thirty days of receipt by Defendant of the initial pleading setting forth the claims upon which the State Action is based, as required by 28 U.S.C. § 1446(b).

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000 exclusive of interest and costs, and the parties are of diverse citizenship.

5. According to Plaintiff's Memorandum of Law in Support of its Motion for Summary Judgment in Lieu of Complaint, Plaintiff seeks recognition under Article 53 of the New York Civil Practice Law and Rules of a judgment issued by the Court of Cassation of Lebanon against Defendant in the amount of \$8,494,874 "with legal interest as from June 29, 2004 until the effective settlement." Thus, the amount in controversy exceeds \$75,000.

6. Plaintiff is a bank incorporated under the laws of Lebanon. Defendant is a national banking association whose main office is located in Sioux Falls, South Dakota, and is a citizen of South Dakota. *See Excelsior Funds, Inc. v. JP Morgan Chase Bank, N.A.*, 470 F. Supp. 2d 312, 313 (S.D.N.Y. 2006) ("[A] national bank is a citizen only of the state in which its main office is located"). Thus, the citizenship of the parties in interest is completely diverse.

7. Written notice of this Notice of Removal shall promptly be given to Plaintiff and shall be filed, along with a copy of the Notice of Removal, with the Clerk of the Supreme Court of the State of New York, County of New York, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that the above-captioned action be removed, without waiver of procedural or substantive defenses, from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 8, 2015

Respectfully submitted,

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